



## COUNTY OF LOS ANGELES COMMISSION ON HUMAN RELATIONS

**October 2, 2003**

**Los Angeles County  
Board of Supervisors**

**Gloria Molina**  
*First District*

**Yvonne Brathwaite Burke**  
*Second District*

**Zev Yaroslavsky**  
*Third District*

**Don Knabe**  
*Fourth District*

**Michael D. Antonovich**  
*Fifth District*

**David E. Janssen**  
*Chief Administrative Officer*

**TO: THE HONORABLE BOARD OF SUPERVISORS  
YVONNE BRATHWAITE BURKE, CHAIR  
GLORIA MOLINA  
ZEV YAROSLAVSKY  
DON KNABE  
MICHAEL D. ANTONOVICH**

**FROM: ROBIN S. TOMA, EXECUTIVE DIRECTOR  
REV. ZEDAR BROADOUS, PRESIDENT**

### **REPORT ON PROPOSITION 54'S IMPACT ON LOS ANGELES COUNTY**

**Los Angeles County  
Human Relations  
Commission**

**Rev. Zedar E. Broadous**  
**President**

**Thomas A. Saenz, Esq.**

**Vice President**

**Adrian Dove**

**Vice President/Secretary**

**Susanne Cumming, Esq.**

**Vice President**

**Judy Coffman**

**Vice President**

**Ray Bartlett**  
**Donna Bojarsky**  
**Vito Cannella**  
**Mario Ceballos**  
**Albert DeBlanc, Esq.**  
**Kathay Feng, Esq.**  
**Lea Ann King**  
**Eleanor Montaño**  
**Dr. Hay Yang**

**Honorary Members**

**John Anson Ford (1883-1983)**  
**Morris Kight (1920-2003)**  
**Catherine G. Stern**  
**Philip R. Valera**  
**Rabbi Alfred Wolf**

**Robin S. Toma, Esq.**  
**Executive Director**

**Terri Villa-McDowell, Esq.**  
**Asst. Exec. Dir., Programs**

**Eugene Stevenson**  
**Asst. Exec. Dir., Admin./Fin.**

On July 29, 2003, upon the Human Relations Commission's recommendation, the Board of Supervisors took action on the Chair's motion regarding Proposition 54, the Classification of Race, Ethnicity, Color, or National Origin Initiative. Proposition 54 would prohibit state and local governments from collecting, using, or analyzing data on race, ethnicity, or national origin, with certain limited exemptions.

In that same motion, the Board also voted to "[i]nstruct all County Departments to work closely with the Commission on Human Relations to provide the public with information regarding the Initiative, its specific requirements, and its impacts on the County."

Attached is our report to the Board and public on the impacts of Proposition 54 on the county, pursuant to the Board's action.

Our report compiles information received from many county departments, which we gathered in several different ways. First, we asked department heads or their representatives to come to a meeting at which we reviewed the provisions of Proposition 54 and the scope of its exemptions, and asked them to inform us if it would impact their department, and if so, how. We asked them to differentiate between known and possible impacts.

Second, following that meeting, we distributed a survey via electronic mail to departments, requesting them to detail if Prop 54 had any effect on their department, and if so, to provide forecasts. Third, we received assistance from the Internal Services Department and the Chief Information Office to develop and send to the departments a specific Information Technology Survey. This survey was sent to departmental representatives of the County's Telecommunication and Systems Advisory Body, to gauge the extent to which databases would need to be modified in order to eliminate routine data collection on race, ethnicity, or national origin, which Prop 54 prohibits.



## **COUNTY OF LOS ANGELES COMMISSION ON HUMAN RELATIONS**

The attached report reflects the input of those departments that responded to that request.

If you have any questions or need further information, you may contact me at 213-974-7601.

Enclosure: Report entitled "The Impact of Proposition 54 on Los Angeles County"

C: David E. Janssen, Chief Administrative Officer  
Violet Varona-Lukens, Board Executive Officer

**The Impact of Proposition 54**  
**on**  
**Los Angeles County**

**A report compiled by the  
Los Angeles County Human Relations Commission**

**Presented to the Board of Supervisors on October 2, 2003**

## TABLE OF CONTENTS

Executive Summary.....	3
Introduction.....	7
Language of the Initiative.....	9
Impact of Proposition 54 on County Departments (General Statements).....	9
Conclusion.....	31
Appendix A: Departmental Responses to Specific Questions.....	32
Appendix B: IT Survey Summary.....	49

## **EXECUTIVE SUMMARY**

Proposition 54 would prohibit state and local governments from collecting, using, or analyzing data on race, ethnicity, or national origin, with certain limited exemptions.

On July 29, 2003, the Los Angeles County Board of Supervisors voted to "instruct all County Departments to work closely with the Commission on Human Relations to provide the public with information regarding the Initiative, its specific requirements, and its impacts on the County." In response to this mandate, the Human Relations Commission worked with County Departments in an effort to ascertain the impact Proposition 54, if passed, would have on County Departments. This report is the result of that work.

### **Range of Effects Across Departments**

The potential impact of Proposition 54 on the County would vary greatly, depending on the 33 county departments or entities that responded to requests regarding its effects. Several departments reported that they would be significantly hampered in their provision of services by Proposition 54. For example, the Sheriff's Department and the Health Department provided specific examples of how Prop 54's prohibition on collecting or analyzing data would negatively affect their departments in several ways, including making it difficult to use limited resources effectively and efficiently.

Other departments, such as the department of the Agricultural Commissioner/Weights and Measures, do not collect or rely on data on race, ethnicity, or national origin. As such, passage of Proposition 54 would have no effect on these departments.

Other departments would benefit from one of the exemptions in Prop 54, and would not need to modify their data collection systems or the way they allocate resources. For example, the Community Development Commission would, for the most part, be able to continue to collect and use data under Proposition 54's exemption for data collection required to establish or maintain eligibility for federal funding.

### **Effective Allocation of Resources for Service Delivery**

Most departments did not indicate that they would have fewer resources overall, although the Commission on Human Relations indicated that, without data regarding the needs of particular groups, it might not be able to justify funding for those groups. Several departments, however, noted that in the absence of data regarding the needs of particular groups, programs and services would lack the specificity required to impact those groups needing the resources the most.

The Department of Children and Family Services, for example, indicated that if it were unable to use data on race/ethnicity/national origin for resource allocation within the Department, there would likely be an inequitable allocation of resources, resulting in lower quality services for vulnerable families and children within the county. The Department of Mental Health noted that, due to the differences in beliefs about mental illness in different cultures, many services are more effective when designed to target specific communities. Without information about certain groups' needs, the lack of ethnic/racial data would mean that prevention, education, and outreach services would have to be offered to the entire community, resulting in 1) high cost, 2) a wasted effort on communities that might not need outreach, prevention, and education services, and 3) the potential need to curtail other services, given limited financial and human resources. The ineffective and inefficient match of resources to clients was a theme across several departments.

### **Costs of Re-Training and Modification of Computer Systems and Forms**

Based upon the responses from 28 county departments or entities, direct costs due to the modifications of computer systems and forms and the requisite training are estimated to be approximately \$6 million to \$8.3 million. When we totaled department responses, we counted 35,608 county employees who would likely need to undergo some type of re-training. Indirect costs, addressed above, are more difficult to estimate.

### **Logistical Issues**

Related to the fact that many questions regarding the implementation of Proposition 54 remain, several departments indicated confusion around several issues. For example, some departments indicated that they had several funding streams or mandates, some of which would render the data exempt, and some of which would not. It would be a challenge to parse programs and connect the data to the program in order to determine if the data were exempt or not. Moreover, requiring contract providers to exempt the federal portion of their contract and not the others could be expensive and chaotic, and could possibly disrupt service.

The departments reported confusion regarding the effect of Prop 54 is confusing in other respects. If one department is allowed to collect data under a federal mandate, but another agency on whom the department depends for data believes that the collection of such information is no longer legal, some departments could be deprived of critical data.

For example, the Department of Health Services is concerned that some physicians, in an effort to comply with Proposition 54, may exclude data that are in fact exempt when completing reports sent to the Department of Health Services. This would result in

under-reporting of certain diseases, and could therefore reduce funding dedicated to their prevention and treatment.

Furthermore, the Department of Health Services indicated that Proposition 54's vague wording leaves it unclear whether relevant data could be collected for diseases not reportable to the Center for Disease Control (CDC). The complexities of trying to assure that full data are reported on those diseases required by the CDC while restricting data on others would require training of staff and mandated disease reporters.

### **Personnel and Liability Issues**

The Office of Affirmative Action would have a more difficult time ensuring a diverse workforce without data on race, ethnicity, or national origin. It would not, for example be able to conduct analyses of adverse impact, which could subject the County to liability. Employment discrimination investigations often depend on data to prove or disprove an allegation. The Office of the Public Defender also collects racial/ethnic data on all applicants and employees in order to monitor the hiring and promotional decisions and practices of the department.

Departments indicated that race, ethnicity, and national origin data of staff and contractors are collected in order to ensure that human resources are available for a range of clients, and anticipated a difficulty matching culturally and linguistically appropriate service providers with clients in the absence of the relevant data.

### **Ambiguities in the Law**

A significant issue regarding Proposition 54 is that several aspects of the law are not clear at this point, and county officials are not certain how it would be implemented. For example, it is not clear if data that are exempt due to a federal program's requirements could be used for purposes other than qualifying for that particular program. Another issue that is yet unclear is the collection and use of data on primary language. The courts may or may not determine that it is in the purview of national origin data and therefore subject to Proposition 54.

## **INTRODUCTION**

Proposition 54 would prohibit state and local governments from collecting, using, or analyzing data on race, ethnicity, or national origin, with certain limited exemptions.

On July 29, 2003, the Los Angeles County Board of Supervisors voted to "instruct all County Departments to work closely with the Commission on Human Relations to provide the public with information regarding the Initiative, its specific requirements, and its impacts on the County."

In order to carry out the Board's instruction, the Human Relations Commission ("Commission") invited all county departments to submit information regarding what impact Proposition 54, if passed, would have on the departments. We invited department heads or their representatives to come to a meeting to gain a thorough understanding of the initiative and its provisions, and we asked generally for the department representatives to identify any known and possible impacts on their own department. Out of the discussions at that meeting, we further identified specific questions, such as whether there were databases in the department that would require reprogramming because routine data collection on race, ethnicity, or national origin would be prohibited under Prop 54. The Commission then sent a set of specific questions to each department, and followed up with an Information Technology survey (sent to departmental representatives of the County's Telecommunication and Systems Advisory Body), which was developed in conjunction with the Internal Services Department and the Chief Information Office and administered by the Chief Information Office. Overall, departments were invited to 1) submit general information as to Prop 54's impact on their department, 2) answer specific questions posed to them, and 3) respond to a survey specific to information technology issues.

The following report reflects the input of those departments that responded to that request.



## LANGUAGE OF THE INITIATIVE

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure expressly amends the California Constitution by adding a section thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED AMENDMENT OF ARTICLE I

#### Prohibition Against Classifying by Race by State and Other Public Entities

SECTION 1. Section 32 is added to Article I of the California Constitution, to read:

*SEC. 32. (a) The State shall not classify any individual by race, ethnicity, color, or national origin in the operation of public education, public contracting, or public employment.*

*(b) The State shall not classify any individual by race, ethnicity, color, or national origin in the operation of any other state operations, unless the Legislature specifically determines that said classification serves a compelling state interest and approves said classification by a two-thirds majority in both houses of the Legislature, and said classification is subsequently approved by the Governor.*

*(c) For purposes of this section, "classifying" by race, ethnicity, color, or national origin shall be defined as the act of separating, sorting, or organizing by race, ethnicity, color, or national origin including, but not limited to, inquiring, profiling, or collecting such data on government forms.*

*(d) For purposes of subdivision (a), "individual" refers to current or prospective students, contractors, or employees. For purposes of subdivision (b), "individual" refers to persons subject to the state operations referred to in subdivision (b).*

*(e) The Department of Fair Employment and Housing (DFEH) shall be exempt from this section with respect to DFEH-conducted classifications in place as of March 5, 2002.*

*(1) Unless specifically extended by the Legislature, this exemption shall expire 10 years after the effective date of this measure.*

*(2) Notwithstanding DFEH's exemption from this section, DFEH shall not impute a race, color, ethnicity, or national origin to any individual.*

*(f) Otherwise lawful classification of medical research subjects and patients shall be exempt from this section.*

*(g) Nothing in this section shall prevent law enforcement officers, while carrying out their law enforcement duties, from describing particular persons in otherwise lawful ways. Neither the Governor, the Legislature, nor any statewide agency shall require law enforcement officers to maintain records that track individuals on the basis of said classifications, nor shall the Governor, the Legislature, or any statewide agency withhold funding to law enforcement agencies on the basis of the failure to maintain such records.*

*(h) Otherwise lawful assignment of prisoners and undercover law enforcement officers shall be exempt from this section.*

*(i) Nothing in this section shall be interpreted as prohibiting action which must be taken to*

*comply with federal law, or establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the State.*

*(j) Nothing in this section shall be interpreted as invalidating any valid consent decree or court order which is in force as of the effective date of this section.*

*(k) For the purposes of this section, "State" shall include, but not necessarily be limited to, the State itself, any city, county, city and county, public university system, including the University of California, California State University, community college district, school district, special district, or any other political subdivision or governmental instrumentality of or within the State.*

*(l) This section shall become effective January 1, 2005.*

*(m) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.*

## **IMPACT OF PROPOSITION 54 ON COUNTY DEPARTMENTS**

### **General Statements**

Below we provide the response of each department, listed in alphabetical order, regarding Proposition 54's impact, if any, on the department.

### **OFFICE OF AFFIRMATIVE ACTION COMPLIANCE**

Collecting and analyzing race and ethnic data allows the Office of Affirmative Action Compliance to focus programs and services on the populations and communities in an efficient, effective and non-discriminatory manner. Passage of Proposition 54 would prohibit collection of the very information that highlights race discrimination. To be denied the use of race data in employment and contracting compromises our ability to eradicate discriminatory behavior and practices. This is a valuable and objective tool for investigating complaints of race and national origin discrimination in a timely, thorough and effective manner. This data also provide the statistical measure of success in determining whether County policies respond to the needs of all populations.

With respect to employment and contracting, there are three (3) major areas that will be negatively impacted.

1. Conducting adverse impact analysis: Our office takes a pro-active approach conducting statistical analysis of the workforce and identifying whether any employment action has a disproportionate impact on any racial group. Prohibiting the collection of this data subjects the County to liability. Employment discrimination investigations often depend on data to prove or disprove an allegation. Last year alone, 30 percent of our cases required a review of the workforce data to complete the investigation.
2. Utilization analysis: Our ability to conduct workforce utilization analysis or ascertain the utilization of racial minority-owned business enterprises' participation in County contracting would be eliminated. The County's affirmative action program has historically used workforce utilization to identify problem areas in employment and contracting.
3. Valuing diversity: In 1995 the Board of Supervisors adopted a Policy on Diversity that has become a model for local governments throughout the State of California. The policy allows this office the ability to provide public services in a culturally relevant and sensitive manner, fostering innovation, creativity, and solutions. Developing or designing a diversity intervention requires demographic data to determine the cause of the problem. Without such data, our office would be developing programs that do not focus on meeting the needs of the particular groups that may be experiencing the problem.

### **AGRICULTURAL COMMISSIONER/WEIGHTS AND MEASURES DEPARTMENT**

Because the Department of Weights and Measures deals strictly with businesses that fall under the laws and regulations that it enforces, and the department collects data only on businesses, none of the information covered by Proposition 54 is involved in our operations. Therefore, Proposition 54 would have no impact on this department.

### **DEPARTMENT OF ANIMAL CARE AND CONTROL**

Proposition 54 would have no effect on this department.

### **OFFICE OF THE ASSESSOR**

Proposition 54 is unlikely to have an impact on computer programming and forms in our office, and would have a minimal impact on computer programming or data regarding the public.

### **COMMUNITY DEVELOPMENT COMMISSION/HOUSING AUTHORITY**

The passing of Proposition 54 would have little impact on the CDC as over 95% of our funding is received from the federal government. For many of our programs we are required to collect information on race and national origin from program participants and applicants. We would continue to collect this information and report it to the federal government. However, if Proposition 54 passes, our continuing to collect information on race and national origin could potentially confuse program applicants, participants and the general public.

In this case, we would consider developing a fact sheet or explanation for the public on why we continue to collect information on race.

Additionally, this information has sometimes been used for purposes other than federal reporting. Inquiries for race or national origin information have been received from the Board of Supervisors and outside organizations.

It is unclear from the Proposition's language whether or not we would be able to sort and analyze the information we collect and use if for purposes other than those required by federal law or federal programs.

## **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

Currently, federal requirements include collecting racial and ethnic data on Indian children and on children and caregivers in foster care and adoptions over 30 days. Additionally, we are required to recruit foster and adoptive families that reflect the ethnic and racial diversity of the children in out-of-home care and to promote the professional leadership development of minorities within the adoption field. Specifically:

- 45 Code of Federal Regulations 1355.40 and 1355.57 mandate the required fields of information and demographic data to be collected and provided to the Administration of Children and Families (ACF), including the race and ethnicity of children in foster care and adoptions as well as their caretakers.
- 25 United States Code (USC) 1901, et seq., contains the Indian Child Welfare Act and mandates the requirements and Federal standards for the removal of Indian children from their families and placement in foster or adoptive homes. These mandates include identifying Indian children and their caregivers by race and ethnicity and providing active efforts, remedial services and rehabilitative programs to prevent the breakup of the Indian family.
- 42 USC 622(b)(9) (part of the Interethnic Placement Act) requires that we provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.
- 42 USC 5113(d)(9) requires that a National Resource Center for Special Needs Adoptions be maintained to promote leadership development of minorities in the adoption field and to provide training and technical assistance to service providers and State agencies to improve professional competency in the field of adoption of children with special needs<sup>1</sup>.
- 42 USC 5113(d)(10) requires the provision of programs aimed at increasing the number of minority children (who are in foster care and have the goal of adoption) placed in adoptive families, with a special emphasis on recruitment of minority families.

Research to date has indicated there are no current federal requirements to collect this information on clients served less than 30 days, or clients who receive in-home services.

---

<sup>1</sup> Current special needs categories include race/original background, age, member of a sibling group, or Medical Conditions of Mental, Physical, or Emotional Disabilities (clinically diagnosed by a qualified professional).

Therefore, this initiative would prohibit the collection of this information on all child abuse referrals and on children and families served in their own homes. It is unclear if the initiative would prohibit the collection of this information on foster children who are not eligible for federal financial participation. County Counsel has indicated that any usage not directly linked to maintaining eligibility for federal funding or federal reporting requirements might be prohibited. This would hinder our ability to develop culturally appropriate resources and programs for children remaining at home who are at risk of abuse and/or neglect.

Currently, the information on race and/or ethnicity is utilized in developing and providing appropriate services to meet the diverse needs of our client populations. Examples include the Asian-Pacific Unit, the Black Family Investment Project, and the Latino Family Preservation Program. It is also used to ensure that hiring includes a racially diverse staff representative of our client population and to comply with countywide employment practices. If this initiative passed, we would lose a powerful demographic tool that assists us in identifying population-specific needs and targeting services to meet those needs.

## **COMMUNITY AND SENIOR SERVICES**

There are three areas in which the passing of Proposition 54 may impact CSS programs and/or program operations.

- Public contracting: CSS contracts through a network of contract providers for the direct provision of a wide range of services (workforce development, senior programs, domestic violence CSBG, etc.). These contract providers are representative of the different ethnic communities in Los Angeles County and they are also lead service providers in these communities.

To leverage/maximize Federal revenue, CSS uses State and local funds to contract with this diverse network of providers. Most contract allocations are not 100% funded with one funding source for the provision of services. Race, ethnicity or national origin data is needed for service planning and selecting those contract providers who will deliver cultural- and language-appropriate services in their respective communities. Requiring contract providers to exempt only the Federal portion of their contract would be expensive and chaotic and possibly disruptive to services delivery. Also, contracting with ethnic organizations facilitates access to CSS services designed to protect and improve the social and economic well being of the County's underserved and hard-to-serve populations.

- Public employment: State law (the Alatorre-Dymally Bilingual Services Act) requires that local agencies have appropriate bilingual staff in "public contact positions" to better serve non-English-speaking or limited-English-speaking

clients or the public. Non-English-speaking or limited-English-speaking persons seeking services at CSS service centers and senior centers may not have equal access to services because of language barriers. Collection of race, ethnic and national origin data is critical in order to develop and deploy a CSS workforce that has the language skills necessary to effectively deliver services in non-English-speaking or limited-English-speaking communities.

- MIS systems: Currently, many of our MIS data reporting forms require data input for race/ethnicity/national origin. This information is currently required by the State and if the data fields are not correctly completed, information is rejected at the State level. Our department would be subject to expenditures to modify systems in order to comply with Proposition 54.

## **OFFICE OF EDUCATION**

Proposition 54 would undermine our office's attempt to address education disparities within LA County. It would also take away tools and information from educators that are used to identify and measure how well our office is doing in our mandate to educate the children of this county, particularly children of color.

## **DEPARTMENT OF HEALTH SERVICES**

The mission of the Department of Health Services (DHS) is to protect, maintain, and improve the health of communities. To do this DHS provides a range of public health prevention programs and services as well as a full range of inpatient and outpatient medical care. DHS relies on race/ethnicity/national origin data to identify unmet health needs, inform service and program planning, develop programs and services to address needs, prevent disease, and evaluate programs and services for effectiveness and efficiency. These data are collected from patients and program participants during the delivery of services and from Los Angeles County residents through community health surveys, needs assessments, and program evaluations.

### **Importance of Racial, Ethnic, and National Origin Data**

The size of the County's population frequently masks differences in health behaviors and health status experienced by specific racial or ethnic groups. Health data, when combined with comprehensive demographic and geographical data, provide powerful tools for planning targeted prevention, screening, and treatment programs and services. In the absence of these data, programs and services would lack the specificity required to impact those groups in greatest need.

Because of the diversity of Los Angeles County, race, ethnicity, and national origin are standard items on a variety of surveys, questionnaires, and data collection forms. These data assist in:

- Examining disparities in health status;
- Examining differences in health related perceptions, beliefs, behaviors, and practices;
- Identifying variation in health service utilization;
- Identifying needs for population-specific prevention, screening, and treatment services and programs;
- Determining priority health needs for specific populations;
- Developing and providing culturally specific programs and services to address specific health needs;
- Evaluating satisfaction with and impact of services and programs on health disparities; and
- Distributing resources and services to address specific health problems.

These data facilitate:

- Efficient use of resources by allowing DHS to pinpoint areas where services and programs are most needed;
- Identification, screening and treatment of those at risk by helping DHS develop and implement culturally appropriate messages, programs, and services that will engage, attract, and be used by the target populations or communities; and
- Accountability by providing information about how well DHS is doing in addressing population specific health needs.

#### **Other Uses of Racial, Ethnic, and Nation of Origin Data**

- Medical and health professionals, partners, and stakeholders use the demographic data collected by the Department to assist them in planning and implementing their programs and services. The information is disseminated via newsletters and reports and is posted on the DHS website.
- These data provide the basis for many of the Department's efforts to alert the public to growing health problems and trends.

#### **Reportable Communicable Diseases**

As a part of disease surveillance and control efforts, Public Health, a division of DHS, collects, analyzes and reports data regarding infectious and communicable diseases.



Many, but not all, of the diseases included in the County's surveillance system are required to be reported to the Centers for Disease Control and Prevention (CDC). Title 17 of the California Code of Regulations, Section 2500, lists the diseases that must be reported by a health care provider when a case, or suspected case, is identified.

In addition to these requirements, the Los Angeles County Department of Health Services requires that specific diseases and conditions of particular local concern be reported to the County Health Officer (Title 11 of the Los Angeles County Code, Chapters 11.04.030 and 11.04.040). At the county level, race and national origin data are collected and analyzed to assist in planning and implementing prevention and control efforts to reduce the spread of these diseases.

The vague wording of Proposition 54's medical exemptions makes it unclear whether the collection of racial/ethnic and national origin data could be collected during surveillance activities for diseases not reportable to the CDC. The table below provides a list of diseases and conditions reportable to the state and county that are not reportable to the CDC.

Diseases Not Required for Reporting to the CDC	
California Required	Los Angeles County Required
<ul style="list-style-type: none"> <li>▪ Amebiasis</li> <li>▪ Babesiosis</li> <li>▪ Dengue</li> <li>▪ Encephalitis (other than arboviral)</li> <li>▪ Kawasaki</li> <li>▪ Leptospirosis</li> <li>▪ Lymphocytic choriomeningitis (LCM)</li> <li>▪ Meningitis (other than <i>Neisseria</i> and HIB), including viral/aseptic</li> <li>▪ Pelvic Inflammatory Disease</li> <li>▪ Rheumatic Fever</li> <li>▪ Scombroid</li> <li>▪ Typhus</li> <li>▪ Yersiniosis</li> </ul>	<ul style="list-style-type: none"> <li>▪ Anisakiasis</li> <li>▪ Campylobacteriosis</li> <li>▪ Ciguatera Fish Poisoning</li> <li>▪ Colorado Tick Fever</li> <li>▪ Conjunctivitis of the Newborn, Outbreaks</li> <li>▪ Cyticeriosis</li> <li>▪ Diarrhea of the Newborn, Outbreaks</li> <li>▪ Diphtheria</li> <li>▪ Domoic Acid Poisoning (Amnesic Shellfish Poisoning)</li> <li>▪ Echinococcosis (Hydatid Disease)</li> <li>▪ Foodborne Diseases: (suspected outbreaks)</li> <li>▪ Methicillin-Resistant <i>Staphylococcus aureus</i> (pediatric cases requiring hospitalization)</li> <li>▪ Paralytic Shellfish Poisoning</li> <li>▪ Relapsing Fever</li> <li>▪ Scabies</li> <li>▪ Swimmer's Itch (Schistosomal Dermatitis)</li> <li>▪ Toxoplasmosis</li> <li>▪ <i>Vibrio</i> Infections</li> <li>▪ Syndromic Surveillance (Illnesses reportable prior to diagnosis based on disease symptoms): Foodborne disease, encephalitis and meningitis are required to be reported to Public Health to</li> </ul>

	aid in swift investigation to facilitate disease control efforts and reporting of serious causes etiologies to the CDC.
--	-------------------------------------------------------------------------------------------------------------------------

### ***Vibriosis***

In 2000 there were 18 cases (including two deaths) due to Vibriosis, a serious disease caused by bacteria related to an organism that causes cholera. In Los Angeles County the infection is most frequently caused by the ingestion of water or food (especially raw or undercooked fish and shellfish) contaminated with the *Vibrio* bacteria. Data collected as a part of disease surveillance activities indicated that 13 of the 18 cases were among Latinos (primarily males). These racial/ethnic data proved very helpful in launching education and awareness efforts targeting those most at risk for this infection.

### **Los Angeles Health Survey**

The core functions of Public Health are assessment, assurance, and policy development. Each requires information and data to understand health status, identify health needs, develop programs and services to address needs and prevent disease, and evaluate programs' effectiveness and efficiency. Without racial and ethnic data, health disparities would be especially difficult to identify in an area as large and diverse as Los Angeles County.

A key tool in collection of information needed to protect and improve the health of LA County residents is the LA Health Survey (Survey). The Survey is a population based telephone survey that provides information concerning the health of the Los Angeles County residents. The data are used for assessing health-related needs of the population, for program planning and policy development, and for program evaluation. The relatively large sample size (over 8,000 respondents) allows users to obtain health indicator data for large demographic subgroups and across geographic regions of the County, including Service Planning Areas and Health Districts. The survey has been collect three times (1997, 1999/2000, and 2002/2003). A fourth survey is in preparation. The repetition of the Survey provides important trend-related data about changes in health status and progress in addressing health problems.

The passage of Proposition 54 would detrimentally affect the results of the Survey by prohibiting the collection of racial/ethnic data. The biennial Survey specifically uses racial and ethnic data to identify and ameliorate health disparities across LA County among various racial and ethnic groups. Data collected from the 1999-2000 LA Health Survey found the following compelling differences:

### ***Breastfeeding***

The Survey found that approximately 79% of mothers in LA County initiated breastfeeding. Racial/ethnic data reveal significant differences:

- Of those who initiated breastfeeding, White and Latino mothers were, 84% and 82% respectively, more like to initiate breastfeeding than all other racial/ethnic groups surveyed. Both racial/ethnic groups were well above the LA County average.
- On the other hand, both **Asians/Pacific Islanders and African Americans were well below the LA County average**. Only 68% of Asians/Pacific Islander mothers were likely to initiate breastfeeding, while even fewer African-American mothers, at 60%, were likely to initiate breastfeeding.
- Furthermore, White and Latino mothers were almost twice as likely to continue breastfeeding for at least six months, 50% and 42% respectively, compared to African American (22%) and Asian/Pacific Islander mothers (25%).

These Survey findings suggested that breastfeeding needed to be promoted on a much wider scale across LA County, taking into consideration factors such as “community norms and values, family and other social supports, personal attitudes and beliefs, knowledge about the benefits of breastfeeding, and the medical conditions of the mother and infant.” As a result, the DHS Office on Women’s Health published guidelines on practices for successful breastfeeding services at hospitals and other maternity centers for the mothers of LA County.

### ***Diabetes***

Diabetes is becoming one of the leading causes of death both nationally and across LA County. Efficient use of resources requires community focused awareness and prevention efforts for those most impacted by this disease.

- The Survey found that among adults ages 40 and older, the prevalence of diabetes was highest among **Latinos (16%), who were two times as likely to have diabetes** compared to Whites and Asians/Pacific Islanders at 8%.
- The prevalence of diabetes was also significantly high for African Americans at 13%.

Regular health care is an important factor for managing diabetes. Across the county, less than 10% of adults with diabetes lack a regular source of care.

- However, Latinos, the group most likely to have diabetes, is also the same group most likely to report lacking access to regular care (16%).
- Other racial/ethnic groups fared much better with only 3% of African Americans likely to lack a regular source of care, 4% of Whites, and 6% of Asians/Pacific Islanders.

### ***Sudden Infant Death Syndrome (“SIDS”)***

The racial/ethnic data collected from the Survey was particularly informative with respect to the incidence of SIDS, the leading cause of death among infants beyond the neonatal period, in LA County. Mortality data indicated a decade trend of racial disparities in SIDS related infant death rates. In 1990 African Americans experienced rates three times higher than death rates for other racial/ethnic groups. Research has indicated that an important modifiable risk factor for SIDS is sleeping on the stomach.

- The Survey revealed that **African-American infants were three times more likely** (30%) to be put to sleep on their stomachs compared to 14% of Asian/Pacific Islander infants, 11% of White infants, and 7% of Latino infants.
- Regardless of education level and the age of their child, African-American parents were more likely to place their infants to sleep on their stomach.

These data informed the local implementation of the *Back to Sleep* campaign and other initiatives to effectively target the African-American community and help reduce such alarming health disparities among their infants.

### ***Childhood Asthma***

While the prevalence of childhood asthma in LA County has significantly grown in the last two decades, only an estimated 6% of all children in the county have asthma. The Survey revealed significant racial/ethnic differences in prevalence and impact of asthma among LA County's children.

- The prevalence of asthma was **highest among African-American children, who were more than twice as likely**, at 16%, to have asthma compared to White children (7%), Asian/Pacific Islander children (6%) and Latino children (4%).
- The Survey indicated that the impact of asthma on physical activity was more significant for African Americans and Latinos. The percentage of asthmatic children with limited physical activity was higher among African Americans (63%) and Latinos (62%) than Whites (36%) and Asians/Pacific Islanders (28%).
- The Survey also revealed significant variation in the use of emergency rooms or urgent care centers by asthmatic children. The percentage of asthmatic children needing care at an emergency room or urgent care center was higher among African Americans (68%) and Latinos (64%) than whites (25%) and Asian/Pacific Islanders (33%).

These data assist in understanding the differential impact of asthma on children of different ethnic groups. Although less impacted by childhood asthma as a group, a

higher percentage of Latino children experience limitations in physical activity and asthma attacks resulting in urgent and emergency care.

### ***Alcohol Consumption and Abuse***

In the United States, alcohol-related problems cost an estimated \$184.6 billion annually. Prevalence data specific to racial/ethnic groups are essential in targeting specific prevention messages to those at risk for the adverse effects of alcohol use.

- The prevalence of alcohol consumption (at least one drink in the past month) was highest among Whites (64%). Latinos (49%), African Americans (48%), and Asians/Pacific Islanders (47%) reported roughly the same prevalence of alcohol consumption.
- Conversely, among those reporting alcohol consumption, prevalence of binge drinking (consuming more than five drinks on one occasion) was lowest among Whites. Forty percent of Latinos reported binge drinking compared to 25% of African Americans, 23% of Whites, and 22% of Asians/Pacific Islanders.
- Groups reported similar levels of chronic alcohol use, defined as 60 or more drinks in the past month. The prevalence of chronic drinking was the lowest among Asians/Pacific Islanders (4%), and similar among Whites (6%), Latinos (7%), and African Americans (7%).

### ***Smoking***

Racial/ethnic data are helpful in understanding progress in reducing behaviors that negatively impact health. The 1999-2000 Survey found no significant changes in smoking prevalence in LA County (any increases were attributed to population increases) from the LA Health Survey conducted in 1997. In addition, the total percentage of heavy smokers remained relatively constant during this period. Without a more in-depth analysis of smoking behavior, significant differences among segments of the population would be missed.

- Significant differences were found among ethnic groups in the percentage of heavy smokers (those smokers who smoked more than a pack a day). **The percentage of heavy smokers was highest among Whites, who were almost three times as likely to smoke heavily** (45%) than African Americans (17%), Asians/Pacific Islanders (17%), or Latinos (9%).
- Latinos, the group least likely to smoke heavily, were also the least likely to report that a doctor had talked with them about quitting smoking (40%), compared to Whites (61%), African Americans (69%), and Asians/Pacific Islanders (62%).

It has been demonstrated that encouragement from a health care provider to quit smoking is likely to increase one's success. This data shows that while it is important to target the ethnic group with the highest percentage of heavy smokers (Whites), it is just as important to ensure that Latinos not only have access to a health care provider, but also receive encouragement about quitting.

### ***HIV Testing***

Efforts to reduce the spread of HIV coupled with advances in HIV treatments enhance the importance of early detection of HIV infection. Data required by the Centers for Disease Control and Prevention indicate that African Americans are disproportionately impacted by HIV. Proposition 54 would not impact the collection of these data. However, it is the LA Health Survey (which provided in-depth information about HIV testing behaviors in Los Angeles County) that has informed efforts to increase testing in specific populations.

- According to the 1999-2000 Survey, African Americans were the most likely to be tested for HIV (57%) compared to Latinos (39%), Whites (33%), and Asians/Pacific Islanders (24%). When compared with the 1997-1998 LA County Health Survey, the rates of HIV testing in LA County only changed in the African-American population, and significantly so.

The high percentage of African Americans who were tested for HIV demonstrates how racial/ethnic data collected from the Survey have helped local efforts to more effectively target HIV prevention and services to this population.

### ***Health Insurance Coverage for Children***

Lack of adequate health insurance is a significant barrier to the receipt of vital primary care and service for children. Uninsured children are less likely to have a regular source of health care, have fewer immunizations, and receive other standard well-child care services. The Survey indicated that over 570,000 children aged 0 to 17 years were uninsured (about 20 percent of all children).

- The Survey results found that **nearly one in three Latino children is uninsured** (29%). The percent of uninsured children was significantly lower among Whites (8%), African Americans (7%), and Asians/Pacific Islanders (12%).
- Of all children without health insurance across the county, 82% were Latino.

Data collected from the Survey help identify not only which groups need health insurance coverage, but how to effectively provide such coverage.

## **COMMISSION ON HUMAN RELATIONS**

The Los Angeles County Human Relations Commission is dedicated to promoting positive race and human relations in an increasingly complex and multicultural county. The Commission works to develop programs that proactively address racism, homophobia, religious prejudice, linguistic bias, anti-immigrant sentiment, and other divisive attitudes that can lead to inter-cultural tension, hate crimes, and related violence.

The Commission's annual report on hate crime in LA County compiles and analyzes hate crime report data from the county's 46 police agencies in order to 1) identify hate crime trends and "hot spots" and 2) guide prevention strategies. The data contained in the hate crime report are used by the Commission and a range of community-based organizations for training and other educational activities, publications, and grant proposals. Because we tracked the actual ethnic backgrounds of victims of September 11th-related hate crime and could point to the fact that specific groups had been targeted, we were able to ask the LA County Board of Supervisors to add new partners to our Hate Crime Victim Assistance and Advocacy Initiative representing both the Middle Eastern and South Asian communities. Proposition 54 it would make this report illegal, thereby making it impossible to know how many victims were Middle Eastern or South Asian, and making it much more difficult to appropriately allocate resources to these groups. Resource allocation would occur without the data to justify it. A comprehensive collection of data allows us to understand the phenomenon of hate crime at a much deeper level. For example, as a result of our data collection and analyses, we know that the suspect and victim in hate crimes targeting homosexuals are more likely than not to be of the same race. Our hate crime reports serve to highlight the problem of hate crime in our communities and to increase public awareness.

We are frequently invited into a community (be it a city, neighborhood, housing project, or school) to help address racially-motivated violence. In many of these instances, we conduct surveys in order to develop a sense of community members' perspectives of the problem, at times including questions about individuals' race or ethnicity. For communities experiencing serious racial tensions, or even for those situations in which race is just one component of a very complex issue, knowing survey respondents' racial or ethnic backgrounds is critical to understanding the dynamics of the situation. It would make little sense, for example, to ask Whites, African Americans, Latinos, and Asians/Pacific Islanders about their view of a particular community conflict differ without being able to know who thought what, but that is what would happen if Proposition 54 were to pass.

In addition to the impact Proposition 54 would have on the Commission's knowledge and understanding of hate crimes and intergroup tensions, our ability to effectively evaluate our programs would be severely hampered. It would be significantly more

difficult to gauge the effectiveness of our programs designed to address interracial, ethnic, or cultural tensions without having any data on race, ethnicity, or national origin.

## **INTERNAL SERVICES DEPARTMENT**

The Internal Services Department maintains computer systems for several departments. Many of these computer systems would require modifications if Proposition 54 were to pass. The Internal Services Department does not maintain all systems in the County. For example, we do not maintain DHS's case systems, DPSS's main system (LEADER), Child Support Services, or any Sheriff systems. Many other County systems are maintained by departments, so we are almost certainly not covering half the number of impacted systems and programs. Roughly 1,000 programs of those we do maintain would be affected by the passage of Proposition 54. Most of these are in the criminal justice area.

We estimated \$893,424 to fix the programs we maintain.

### **Departments**

Departments or groups with computer systems that we know would be impacted (based on what we maintain for them) are:

- ISAB (Information Systems Advisory Board)
- Probation
- Public Defender
- DPSS
- DCFS
- Auditor
- Mental Health
- DHS
- Superior Court

### **Systems**

The impacted systems include:

- CountyWide Timekeeping & Payroll Personnel System (CWTAPPS)
- Trial Court Information System (the hub of the criminal justice process)
- Mental Health Management Information System (MHIS), with client cases and financial data
- Welfare Fraud Detection System
- Provider Payments System for Foster Care
- Adult Probation System, with case information on all adult probationers
- Consolidated Criminal History Reporting System, which is used by all County and other law enforcement agencies in the County



- Defense Management System, used for all Public Defender cases

## **DEPARTMENT OF MENTAL HEALTH**

### **Impact on Clients and Families with Mental Illness:**

The lack of ethnic/racial data would have a negative impact on:

- The provision of culturally and linguistically appropriate mental health services to our diverse consumers. Different races, ethnicities, and nationalities have different perceptions and beliefs about mental health and mental illness. Services such as outreach, prevention, and education are effective when they are designed to target specific ethnic communities. The lack of ethnic/racial data would mean that prevention, education, and outreach services would have to be offered to the entire community. This process would result in 1) higher costs, 2) a wasted effort on communities that might not need outreach, prevention, and education services, and 3) the potential need to curtail other services, given limited financial and human resources.
- The Department's ability to detect chronic mental illness disorders in ethnic communities in order to provide data-based service intervention. For example, recent data indicate a high incidence of 1) post traumatic stress disorder in Latino and African American communities, 2) depression in adolescent Latino males, and 3) suicide rates in Latina adolescents. Without these data, prevention and interventions targeted to these groups would be impossible.
- The Department's ability to monitor mental health care utilization and to provide evidence of mental health disparities. For example, current statistics describe a disparity between Latinos who are eligible for Medi-Cal and Latino Medi-Cal clients. Latinos are 40-43% of the eligible Medi-Cal pool, yet only 12-13% of these eligible Latinos utilize mental health services.

### **Impact on Human Resources:**

The lack of ethnic/racial data of staff would have a negative impact on:

- The Department's ability to meet the linguistic and cultural needs of clients because, without racial/ethnic data, bi-lingual and bi-cultural staff assignments would not be based on the need of the ethnic population served by each clinic. The number of DMH clients whose primary language is not English is estimated at 26,159. Additionally, there are 25,438 clients whose primary language is other or unknown.

- Cost for interpreters. If the Department does not have this racial/ethnic data, then the Department may be required to hire interpreters or rely on AT&T Language Line. This will increase the cost of service delivery. The cost of using interpreting services and the AT&T Language Line during the fiscal year 2002-2003 is estimated at \$35,000. This amount will increase if staff's ethnic and linguistic characteristics are not identified.

### **Impact on Data Collection Systems:**

The Department's data collection systems, whether they are forms or computer systems, have a field requiring racial/ethnic information. The deletion of this field would require the reprogramming of the data collection systems throughout the County and the retraining of its staff so that they do not collect this information. The Department has expended millions of dollars on its information systems to comply with Federal reporting requirements as specified by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Reprogramming the data collection systems to delete the field asking for the racial/ethnic information and retraining of staff would cost the Department hundreds of thousands of dollars.

### **Additional Impact:**

Accountability: Title 9, Chapter 11 mandates the mental health plan to provide language and culture-specific mental health services. The lack of racial/ethnic data will prevent the system from targeting the intended population and complying with the State requirements.

Evaluation of Treatment Outcomes: Treatment modalities are tailored to meet the cultural and linguistic needs of each consumer. The lack of racial/ethnic data would prevent the Department from monitoring and evaluating the effectiveness of the treatment provided.

Mental Health System's Response To Disasters: The lack of ethnic/racial data would make it difficult for the mental health system to prepare for a disaster/emergency situation. With a population exceeding 9 million, the County is the home to people from over 100 countries speaking a multitude of languages. In emergency situations in which the Department responds, response teams are formulated according to the language and ethnic characteristics of the particular community. Crisis response necessitates that such data be available immediately to effectively prevent loss of functioning (e.g., due to post traumatic stress symptoms affecting family and employment).

## **OFFICE OF THE OMBUDSMAN**

The only impact the legislation would have on us would be to limit our ability to collect information on our clients. We currently gather information on gender, ethnicity, address, and type of complaint for purposes of statistical comparison. While it would be more difficult to make those kinds of statistical comparisons if Proposition 54 passed, it would not impact our ability to provide services or conduct investigations. We would also continue to provide training to various cultural groups and deal with issues such as racial profiling.

Much of the data we use now with regard to racial profiling is collected by the California Highway Patrol (CHP) or other agencies around the country. One data source recently used was Sam Houston University in Texas, comparing police contact rates with various groups in Houston, Texas. The conclusion of that study was that social status and not race was the greater factor in determining the number of police contacts. This type of statistical comparison and illustration would be more difficult to provide to the public if Proposition 54 were to pass.

## **DEPARTMENT OF PARKS AND RECREATION**

The Department of Parks and Recreation conducts several community surveys to develop recreation programs. Data on race are important to allow us to evaluate the success of our programs. Race data are also reported to other departments. Not being able to collect data on race would limit the department's ability to successfully evaluate most of our programs and successfully compete for funding.

## **PROBATION DEPARTMENT**

Proposition 54 would not likely affect the Department's current employment practices. Our hiring is not based on race, but rather on the applicant's education levels, skills, and other factors.

When an individual is arrested by law enforcement and referred to Probation, racial data are provided to the Department by the arresting agency. This information is entered into our systems and is used strictly to track, monitor and identify the probationer. If a bench warrant is sought, racial information is a very important factor that is used to secure the warrant. The Department does not use racial data for fundraising or requests for proposals.

The Department will continue to gather racial statistical data in order to comply with existing Federal government requirements, but passage of Proposition 54 may mean that these data could not be analyzed, used, or distributed.

## **OFFICE OF THE PUBLIC DEFENDER**

### Forms utilized by the Public Defender which would have to be re-printed:

- **COUNTY OF LOS ANGELES EMPLOYMENT APPLICATION FORM**  
The County requests the information in order to evaluate departmental hiring practices and to prepare reports required by Federal and State Law. The form is a Countywide form, and the cost for re-printing application forms would not be a Public Defender cost. It is not known by the Public Defender what the cost to the County would be.
- **EMPLOYEE PERSONAL INFORMATION FORM**  
The form is completed by employees when they begin employment with the department. It is used to input information into the Countywide Timekeeping and Personnel Payroll Systems (CWTAPPS).

Note: No additional staff would need to be employed by the Public Defender nor would existing staff need re-training due to the changes and re-printing required of these forms.

### Databases utilized by the Public Defender that would have to be reprogrammed:

- **CWTAPPS**  
The system is a Countywide system. The cost to reprogram the system would not be a Public Defender cost, which is unknown to the Public Defender.
- **DEFENSE MANAGEMENT SYSTEM**  
The system is a proprietary system of the Public Defender and is used in case management. The cost to reprogram the system is projected at \$74,760.
- **THREE SEPARATE DATABASES**  
The Public Defender has three separate databases which are used to record information and statistics related to its attorney staffing. The cost to reprogram the three databases is minimal (approximate \$100 to reprogram all databases).

Note: No additional staff would need to be employed by the Public Defender nor would existing staff need re-training due to the required changes to these systems and databases. The re-programming required by the Public Defender would be done by existing departmental staff or contracted for with the Internal Services Department.

### The department relies on race/ethnicity/national origin data and statistics:

- Collected from all applicants and successful candidates seeking employment with the Public Defender. The data is used for a variety of reasons, including a tool to self-monitor the hiring and promotional decisions and practices of the department.
- Collected and maintained by the department to defend itself against racial bias and discrimination allegations, claims and lawsuits. Without these statistics the department is unable to effectively defend its practices in 1) formal complaints filed with the Equal Employment Opportunity Commission or the Department of Fair Employment and Housing, or 2) court lawsuits, resulting in legal litigation exposure and cost liability.
- Collected from law schools throughout the State and Country in order to ascertain the demographics of the pool of individuals available for potential employment with the Public Defender. The information is used as a resource to assist in the on-going self-analysis of the department's hiring practices.
- Collected and maintained by the department to complete required County, Federal and State reports.
- Collected from clients, law enforcement, and/or the courts to assist in the verification of the correct identity of individuals arrested or represented by the Public Defender in criminal proceedings.
- Collected from the courts to assist the Public Defender in identifying potential legal issues involving jury pools and/or the selection of juries.

## **DEPARTMENT OF PUBLIC SOCIAL SERVICES**

### **CALWORKS AND REFUGEE PROGRAMS**

The CalWORKs and the Refugee programs/services fall under the measure's exemptions. DPSS would continue to collect said data to meet federal reporting requirements, which include the collection of race-related information on individuals who receive services related to cash assistance, alcohol and drug treatment, mental health, and food stamps. The data collection and submission requirements under the Office for Civil Rights (OCR) Agreement would likely still be valid and DPSS would therefore be able to comply without violating the terms of the initiative.

## IMPACT ON DPSS

1. Establishes different standards for the collection and use of data on race and ethnicity for DPSS-administered programs.
2. Might hinder the ability to develop training programs for Limited English Proficient and non-English speaking participants and in collecting and using data to understand the effectiveness of our programs for this population.<sup>2</sup>
3. Prohibits collecting data for State-funded programs such as Cash Assistance Program for Immigrants (CAPI), California Food Assistance Program (CFAP), IHSS Residual Program, and the County-funded General Relief Program.
4. Might decrease the number of CAPI and GR participants who transition to the federally funded SSI Program. DPSS's SSI Assistance Program would be less effective, as the language barrier would result in less thorough interviews and incomplete gathering of documentation. If we were unable to provide the Social Security Administration and the Disability & Adults Program Division with information on primary language, those agencies would encounter difficulties in communicating effectively with our participants. The number of SSI applications denied would increase, resulting in ongoing costs to the State and County to continue aid to CAPI and GR participants.
5. Increases costs to reprogram our data collection system (LEADER) to remove mandatory fields which collect race related data, e.g., primary language and ethnicity, for the CAPI and GR programs and revision of related forms. There would be a cost associated with the need to train staff.
6. Prohibits utilizing information on the ethnicity and race of the population we serve to most effectively customize and deliver the social services needed by people across the County. If we could not measure how various groups of participants use our services or the actual service outcomes experienced by various participant populations, it would be difficult to know how we should either modify the mix of services we provide or the manner in which we deliver those services. This could result in an increase in civil rights complaints and the Department could be found out of compliance with Title VI of the Civil Rights Act of 1964.
7. Might hinder the ability to determine the need for bilingual employees and to anticipate our participants' language and cultural needs in planning services.

---

<sup>2</sup> One of the ambiguities of the law is the issue of data on primary language. It is not explicitly mentioned in the proposition text, but federal case law and California regulations suggest that primary language may be considered to be in the domain of national origin data.

8. Might increase the number of individuals visiting DPSS district offices. Applicants/participants would have to wait in order for bilingual employees to be made available. The lack of adequate communication with applicants/participants would result in confusion and inefficiency.
9. May result in an increase in the number of denials and terminations due to the applicants'/participants' lack of understanding of the requirements to receive services, resulting in failure to provide information/documentation. This would likely increase the number of applicant/participant and advocate complaint as well as increase in the number of appeals filed.
10. Fraud prosecution would be more difficult as participants could claim that due to the language barrier, they didn't understand their reporting responsibilities.

### **SHERIFF'S DEPARTMENT**

Proposition 54 would affect the Los Angeles County Sheriff's Department in the following areas:

- Although an exemption is added for certain law enforcement functions, such as the use of race in "law enforcement descriptions," the current version appears to prevent the Sheriff's Department from collecting statistics on hate crimes, tracking criminal trends by race, and collecting racial profiling data during traffic stops.
- Would prevent the Sheriff's Department from compiling demographics on the community to better serve and provide race-specific resources to that community.
- Would cost the Sheriff's Department unknown number of personnel hours and several millions of dollars in costs to re-program and/or upgrade computers used during normal operations within the Department.
- Would impact the ability for the Sheriff's Department to apply for grants requiring racially specific data in a timely manner.

### **TREASURER AND TAX COLLECTOR**

Proposition 54 would not affect this Department. We do not collect any racial or ethnic data, except as required by County procurement rules.

## **CONCLUSION**

The potential impact of Proposition 54 on the County would vary greatly depending on the department, according to the information gathered from departments, including through surveys (see Appendices A and B).

Some departments do not collect or rely on data on race, ethnicity, or national origin, and would not need to modify their data collection systems or the way they allocate resources. Other departments, while they may collect and use data on race, ethnicity, or national origin, would be able to continue to do so under one of the exemptions of Prop 54.

The departments reported confusion regarding the implementation of Proposition 54. For example, would past data need to be purged? What should departments do if data are not currently needed to establish eligibility for federal funding but might be needed at a later date?

Costs due to the modifications of computer systems, forms, and training are estimated to range from \$5,981,449 to \$8,267,353, with 28 out of 38 Departments reporting on costs. When we totaled department responses, we counted 35,608 county employees who would likely need to undergo some type of re-training.

Most significantly, many county departments identified specific uses of race, national origin, and ethnicity data that help them to allocate resources to the appropriate clients, formulate public policy, and assess the effectiveness of programs. The result, according to those departments, is that Prop 54 may lead to less effective service delivery in law enforcement, health care, human relations, and other functions provided by Los Angeles County government to its residents.



## **Appendix A**

### **DEPARTMENTAL RESPONSES TO SPECIFIC QUESTIONS**

#### **Questions**

Department representatives were asked to respond to the following questions, many of which arose during a meeting with department heads and representatives:

- Are there databases in your department that would require re-programming because routine data collection on race/ethnicity/national origin would, in some circumstances, be prohibited under Prop 54?  
How many databases in your department would be affected?  
Are there forms that would need to be revised and reprinted? If so, how many?  
Would any retraining of staff be required as a result of new programs or inputting of revised forms?  
Can you provide an estimate of the number of people who would need to be retrained?
- Does your department rely on race/ethnicity/national origin data from clients, customers, applicants, or organizations?  
If so, do you anticipate that data collection which may be appropriate (due to a present mandate, exemption, or funding contingency) might be withheld due to confusion about compliance under Prop 54?  
How would this non-compliance impact your department?

Please answer the following as appropriate:

- Do you anticipate that future fundraising could be affected if you do not presently collect data covered under Prop 54 that may be required for a funder's proposal?
- How would Prop 54 affect your ability to allocate resources to targeted communities?
- How do you think your department would be able to distinguish exempt data collection from non-exempt data as defined under Prop 54?

Please include:

- any cost estimates for any of the above or other departmental changes due to Prop 54, if you have them.
- any plans you might have for recouping any anticipated costs.
- whether or not the impact of Prop 54 would leave your department with fewer resources and lower-quality services for constituents.

## Responses

Below are the responses submitted by departments.

- 1. Are there databases in your department that would require reprogramming because routine data collection on race/ethnicity/national origin would, in some circumstances, be prohibited under Prop 54? How many databases in your department would be affected?**

*Office of Affirmative Action Compliance:* No, zero.

*Department of Children and Family Services:* Yes. The Department of Children and Family Services currently collects data on race/ethnicity/national origin within the Child Welfare Services/Case Management System (CWS/CMS). These data are used for a variety of purposes, including staffing, targeted recruitment of foster and adoptive homes, and the development of culturally competent community resources. These data are also reported to the Federal Department of Health and Human Services (DHHS) as part of the Adoption and Foster Care Analysis and Reporting Systems (AFCARS). While the AFCARS requirement is a federal mandate, the other uses of race/ethnicity/national origin may be prohibited if Proposition 54 passes. The impacts on retention and usage within our data systems may need to be tightly restricted. If so, that may require re-programming efforts of an undetermined cost. Further complicating the matter is that CWS/CMS is a statewide computer system, so that the California Department of Social Services and the other 57 California Counties would be required to participate in any and all programming changes.

The primary database that would be affected is CWS/CMS. Additionally, the Adoption Integrated Systems, which receives a data feed from CWS/CMS, may require reprogramming efforts.

*Community and Senior Services:* Two would be affected: 1) one, for the WIA program and 2) one, for the CalWORKs Youth Jobs program. For the WIA program, there are databases that will have to be changed. However, the elimination of specific data fields would be done at the State level.

*Department of Health Services:* A brief survey of our facilities and programs suggests that at the very least 46 databases, many in use by external providers and contractors in addition to DHS staff, would require reprogramming. Costs associated with programming, editing forms, and retraining over 1,450 staff and contractors would exceed \$1.5 million. Please note that these figures are limited to programs and clinical services in Public Health and do not include costs associated with changes required in DHS inpatient and outpatient facilities.

*Commission on Human Relations:* Yes. The database for our annual hate crime report contains fields for race, ethnicity, or national origin, which would no longer be legal to complete.

*Department of Mental Health:* The Department has three databases that will be affected by the proposition's new requirements: 1) The Management Information System, 2) The Integrated System and, 3) CWTAPPS. (Two of these are maintained by the Internal Services Department.)

*Department of Military and Veterans Affairs:* Databases containing this information are not kept by this department.

*Museum of Art:* Yes, two.

*Probation Department:* According to our Information Systems Section the Department has 31 systems that would be affected. Without detailed analysis we are unable to determine cost.

*Department of Public Social Services:* Yes, one. Our LEADER system would need to be reprogrammed to remove as mandatory those fields which collect data relative to race/ethnicity/national origin, e.g., primary language for General Relief, (a County-funded program) and for the Cash Assistance Program for Immigrants (a state-funded program), to remove the mandatory fields which collect data on primary language.

*Sheriff's Department:* The Los Angeles County Sheriff's Department uses a number of different databases that would have to be reprogrammed. Some of the department-wide databases include LARCAS (Los Angeles Regional Crime Information System), AGIS (Automatic Justice Information System), MDCS (Mobile Digital Communication System), CWS (County Warrant System), etc. This would probably cause retraining.

**2. Are there forms that would need to be revised and reprinted? If so, how many?**

*Office of Affirmative Action Compliance:* No.

*Department of Children and Family Services:* The Department has all forms available on-line; therefore any form changes could be made centrally and the templates made available to all staff on-line.

*Community and Senior Services:* Yes. All the WIA Adult/Dislocated, WIA Youth, and CalWORKS Youth Jobs forms would need to be reprinted. The CalWORKS forms would need to be revised in-house, whereas the WIA forms are State-generated.

*Commission on Human Relations:* Yes. We have hate crime and hate incident reporting forms that are completed and submitted by community-based organizations and members of the public. Both these forms include race, ethnicity, and/or national origin of hate crime or incident victims and suspects/perpetrators.

*Department of Mental Health:* The Department has an estimated number of 40 clinical forms for children, adults, and older adults.

*Department of Military and Veterans Affairs:* None.

*Museum of Art:* One.

*Probation Department:* All forms used in the investigative phase of a case would have to be revised and reprinted.

*Department of Public Social Services:* Yes, there are forms that would need to be revised; however, we are unable to provide the number at this time.

*Sheriff's Department:* The Department utilizes over 300 different forms in patrol, most of which probably require the type of race of the individual involved. It is not yet known which forms would be exempted.

**3. Would any retraining of staff be required as a result of new programs or inputting of revised forms? Can you provide an estimate of the number of people who would need to be retrained?**

*Office of Affirmative Action Compliance:* No, zero.

*Department of Children and Family Services:* It is estimated that minimal training would be necessary for this purpose.

*Community and Senior Services:* All in-house staff and subcontractors dealing with MIS would need to be retrained and informed about the requirements of Prop 54. However, training would not be that intensive, since staff and subcontractors would be informed only about what is no longer legal to obtain. These are approximations: In-house MIS staff would be 10 or less. We also have 45 subcontractors whose MIS and Case Manager staff would need to be trained.

*Commission on Human Relations:* Minimal retraining would be required of approximately 13 staff.

*Department of Mental Health:* The Department would have to retrain its employees and the employees of its contract providers on the new requirements. The estimated cost for the staff involved in retraining is \$300,000. An estimated number of 9,000 employees would need to be retrained. Additionally, all new hires would need to be educated about the new requirements as part of the New Staff Orientation.

*Museum of Art:* Yes, four.

*Department of Military and Veterans Affairs:* No, none.

*Probation Department:* Our data entry staff and investigating deputy probation officers would have to receive instructions regarding data collection. (200 staff)

*Department of Public Social Services:* Yes, DPSS and contractor staff would need training. A total of 11,336 staff would need training: 10,356 DPSS staff and 980 contractor staff.

*Sheriff's Department:* Yes. The Department would most likely train all employees (approximately 15,000) because they would be affected in one way or another.

*Total number of people cited above who would need retraining:* 35,608

**4. Does your department rely on race/ethnicity/national origin data from clients, customers, applicants, or organizations?**

*Office of Affirmative Action Compliance:* Yes.

*Department of Children and Family Services:* Yes.

*Community and Senior Services:* It is necessary when trying to determine if certain groups have received their share of services.

*Department of Health Services:* Hospitals, private physicians, and laboratories report racial, ethnic, and national origin data as a part of mandated reporting requirements. These data include hospital discharge data, births, deaths, communicable diseases, injuries, illnesses, and health risk behaviors.

- **Vital Records:** Public Health collects, analyzes, and reports data on birth and deaths in Los Angeles County. Each year over 55,000 births and 155,000 deaths.

births are recorded by Public Health. There is no federal requirement to collect racial/ethnic data on birth or death certificates, although the federal government does provide model certificates that include this information. Costs associated with excluding these data are estimated to be \$200,000, including the costs for training internal and external staff and to reprogram and install system software at DHS facilities and 66 hospitals throughout the county.

- **Communicable Disease Reporting:** Public Health collects, analyzes and reports data regarding infectious and communicable diseases. Many, but not all of the diseases included in the County's surveillance system are required to be reported to the Centers for Disease Control and Prevention (CDC). In addition to these requirements, the Los Angeles County Department of Health Services requires that specific diseases and conditions of particular local concern be reported to the County Health Officer. Race/ethnicity/national origin data are collected and analyzed to assist in planning and implementing disease control and prevention efforts. The language of Proposition 54 regarding medical exemptions is unclear as to whether the collection of racial/ethnic and national origin data could be collected for surveillance activities for diseases not reportable to the CDC.

Thirty-two of the ninety diseases required to be reported to Public Health by physicians, hospitals and laboratories are not required for reporting by the CDC. The costs associated with reprogramming the nationally recognized Visual Confidential Morbidity Reporting System, retooling forms, redistributing information to the county's over 30,000 physicians, hospitals and laboratories would be significant (approximately \$52,000). The complexities of trying to assure that full data are reported on those diseases required by the CDC while restricting data on others would require training of staff and mandated disease reporters.

*Commission on Human Relations:* Yes. We request data from 1) victims of hate crimes, 2) law enforcement agencies, 3) schools, and 4) community-based organizations who report hate crimes to us, and sometimes from community members for the purposes of needs assessments or program evaluations.

*Department of Mental Health:* The Department relies on race/ethnicity/national origin data from our clients, our employees, and many organizations in order to provide culturally and linguistically appropriate mental health services.

*Department of Military and Veterans Affairs:* No.

*Museum of Art:* Yes.

*Probation Department:* Our Department does not rely on outside sources for racial data.

*Department of Public Social Services:* Yes, clients self declare and designate on the PA 481, Primary Language Designation, form the language they wish to have us communicate in, verbal and written communication.

*Sheriff's Department:* Yes. Law enforcement relies on race to track crime, protect inmates (segregation), hire employees, apply for grant funding, etc.

**5. If so, do you anticipate that data collection which may be appropriate (due to a present mandate, exemption, or funding contingency) might be withheld due to confusion about compliance under Prop 54? How would this non-compliance impact your department?**

*Office of Affirmative Action Compliance:* Yes. : It would lead to an inability to conduct statistical analyses or establish an affirmative defense in response to complaints of discrimination.

*Department of Children and Family Services:* Yes. It is anticipated that this would result in a misrepresentation of the race/ethnicity/national origin data of our clients. This would potentially impact our ability to recruit foster and adoptive parents as well as to develop culturally competent community resources for families and children suffering from child abuse and neglect.

*Community and Senior Services:* Yes, it is anticipated that data collection might be withheld especially if there is uncertainty and it is not widely publicized that race/ethnicity cannot be gathered.

*Department of Health Services:* Yes, we do anticipate confusion in reporting exempt data. For example:

- Because HIV and AIDS cases must be reported to the CDC, race/ethnicity/national origin information would be exempt from the Proposition 54 prohibitions and could be included in the case report. These data are important not only for prevention and treatment program planning, but also are important in securing funding. The Health Resources and Services Administration (HRSA) provide Ryan White Care Act funding of close to \$40 million for HIV/AIDS services and the CDC provides over \$12 million for HIV prevention programs. Both rely in part on HIV/AIDS case data to compute funding amounts.

The information systems used to report HIV and AIDS cases require that race/ethnicity be entered to complete the case report and forward it to the CDC. Cases with missing race/ethnicity data cannot be entered and will not be counted. We believe that some physicians, in an effort to comply with Proposition 54, may exclude these data when completing charts or hardcopy reports sent to the DHS HIV Epidemiology Program. This will result in under-reporting of HIV and AIDS cases to the CDC and HRSA and reduced funding of HIV/AIDS prevention and treatment programs and services.

- In some cases, such as confidential morbidity reporting, it would be difficult to distinguish between the exempt and non-exempt data. For example, race/ethnicity/national origin data would be allowed for reporting of typhoid fever (mandated for reporting to the CDC) but prohibited for reporting of typhus (required to be reported to the state and county health departments, although not to the CDC).

*Commission on Human Relations:* For the most part, there would probably be little confusion, because it is clear that data we currently collect would be illegal under Proposition 54. If data were needed to apply for a federally-funded program, however, there could be significant confusion.

*Department of Mental Health:* The California Code of Regulations, Title 9, Chapter 11, Medi-Cal Specialty Mental Health Services, currently mandates that the Department collect data on the clients' preferred language and culture when referring them to the appropriate providers for mental health services.

Prohibiting the collection of the State-mandated data would create confusion on the part of the clinician who is making the referral.

*Museum of Art:* No, not applicable.

*Department of Public Social Services:* Yes, applicants/participants may not understand what is needed to receive or continue to receive assistance and not provide necessary information/documentation. Proposition 54 might lead to an increase in the number of denials of applications and terminations of approved cases. It could also increase in the number of individuals in the DPSS district offices as well as lead to an increase in the number of complaints from applicants, participants and advocates.

*Sheriff's Department:* Yes. The vague language of the Proposition would cause confusion in such a large agency that relies on race data for its operation and funding. It could potentially cause the Department to inadvertently lose federal and



state funding for failure to collect certain data, not including potential criminal and civil penalties.

**6. Do you anticipate that future fundraising could be affected if you do not presently collect data covered under Prop 54 that may be required for a funder's proposal?**

*Office of Affirmative Action Compliance:* N/A.

*Department of Children and Family Services:* Yes.

*Community and Senior Services:* For the WIA Adult/Dislocated Worker Programs, fundraising is a necessity as the dollars shrink. Most private foundations require applicants to exhibit knowledge relative to the communities they are to serve with the foundations' funds. The WIA programs would be hard pressed to access and provide demographic data required by these private foundation sources, and we would find the same would apply to fundraising in the public sector (e.g., the discretionary funds under WIA) where an applicant for funds must establish a need in the community for which funds are sought. Conversely, the communities we serve often request information from us regarding our service levels to different groups for fundraising at a local level. We would not be able to provide any of this demographic data to our communities, thereby affecting fundraising efforts. An example of this occurrence is the request the WIA programs recently received regarding our service levels to the Native Americans. We issued this information to our local policy board for its use. Prop 54 would cause us a hardship at several levels of fundraising efforts within our structure.

*Department of Health Services:* Please see the previous section on HIV and AIDS reporting (#5).

*Commission on Human Relations:* Yes. Without the ability to use data regarding racial or ethnic groups in Los Angeles County, our hate crime data, which has been critical in seeking funding, would be unavailable. Overall, it would be much more difficult to document and justify a need for resources since such data is essential to the nature of programs for which we seek funds.

*Department of Mental Health:* The Department receives funds from the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide mental health services for children, adults, and older adults. SAMHSA requires that the Department comply with their cultural and linguistic standards in all its operations in order to renew the funding. The first guiding principle in the implementation of these standards is the principle of Cultural Competence. This principle states that "Recovery and rehabilitation are more likely to occur where managed care systems,

services, and providers have and utilize knowledge and skills that are culturally competent and compatible with the backgrounds of consumers from the underserved and underrepresented racial/ethnic groups, their families, and communities.”

Prohibiting the Department from collecting racial/ethnic data would mean that the funds would be distributed to other States that are complying with the SAMSHA standards and this Department’s services supported by SAMSHA would be curtailed.

*Department of Military and Veterans Affairs:* None is anticipated.

*Museum of Art:* No.

*Probation Department:* Probation does not engage in fundraising.

*Department of Public Social Services:* DPSS does not rely on private services. DPSS's primary funding source is from federal and Net County Costs.

**7. How would Prop 54 affect your ability to allocate resources to targeted communities?**

*Office of Affirmative Action Compliance:* N/A.

*Department of Children and Family Services:* It is anticipated that Prop 54 would have a potential negative impact on the allocation of resources. The data currently collected assist in the identification of racial or ethnic groups who may best be served by social workers that speak the primary language of such groups. These data quantify the number of clients (defined as parents or children) and the correlating number of direct staff (social workers) needed to adequately serve the specific client group.

The recruitment and allocation of bilingual staff, while not directly related to data collection on race/ethnicity/national origin, could be impacted. Additionally, the recruitment of foster and adoptive homes could also be negatively affected.

*Community and Senior Services:* WIA funding allocations would not be affected by Prop 54 as the allocation formulas do not include demographic data by ethnicity.

*Department of Health Services:* The core functions of public health are assessment, assurance, and policy development. Each requires information and data to understand health status, identify health needs, develop programs and services to address needs and prevent disease, and evaluate programs’ effectiveness and

efficiency. Without racial and ethnic data, health disparities would be especially difficult to identify in an area as large and diverse as Los Angeles County.

A key tool in collection of information needed to protect and improve the health of Los Angeles County residents is the LA Health Survey (see above). The passage of Proposition 54 would severely limit the Survey by prohibiting the collection of racial/ethnic/national origin data. The biennial Survey specifically uses racial and ethnic data to identify and ameliorate health disparities among various racial and ethnic groups.

*Commission on Human Relations:* We would be allocating resources to groups with high rates of hate crimes with little sense of the match between resources expended and clients served.

*Department of Mental Health:* The Department's ability to monitor mental health care utilization and to provide evidence of mental health disparities would be affected. The lack of ethnic/racial data on staff would have a negative impact on the Department's ability to meet the linguistic and cultural needs of clients because, without racial/ethnic data, bilingual and bi-cultural staff assignments would not be based on the need of the ethnic population served by each clinic.

*Department of Military and Veterans Affairs:* No effect.

*Museum of Art:* It wouldn't.

*Probation Department:* Proposition 54 would not affect the Department's ability to shift manpower quickly to areas that may require a Probation presence.

*Department of Public Social Services:* We would be unable to determine the need for bilingual employees and to anticipate our participants' language and cultural needs in planning services to targeted communities.

*Sheriff's Department:* Some crimes can be considered race-specific. An example would be home invasion robberies. A majority of victims are generally Asian because of the belief that Asians may not report or involve the police. In addition, victims of hate crimes would be affected.

**8. How do you think your department would be able to distinguish exempt data collection from non-exempt data as defined under Prop 54?**

*Department of Children and Family Services:* It is anticipated that initially there would be substantial confusion over the purposes for which data on race/ethnicity/national origin could still be collected due to federal mandates,

exemptions or funding contingencies, versus that data that could no longer be collected. Further analysis is necessary to determine the full impacts of this potential confusion and what systems could be put in place to mitigate the impacts.

*Community and Senior Services:* CSS would need clear guidelines to enable the legislation resulting from Proposition 54. If no such guidelines were issued, our department would be forced to make "judgment calls" in order to comply with Proposition 54 legislation. This would leave us open to possible non-compliance in a monitoring/audit setting.

*Department of Health Services:* The wording of the proposition is very vague. DHS would interpret the exemption as written. Specifically:

- Race would be collected as a part of inpatient and outpatient charts. However, it would be difficult to determine if these data could be used to help describe our patient population or better tailor our services to their needs.
- Medical research conducted as a part of clinical trials, research on specific medical conditions or tests of medical therapies would be exempt.
- Data specifically required to be reported to a federal agency or program would be exempt.
- Data required specifically as a part of funding applications (HIV/AIDS data) or evaluations of federal programs would be exempt.

Public Health includes over 60 distinct programs, most conducting data analysis, collection and reporting activities including race/ethnicity/national origin data. We believe it would be very difficult to distinguish exempt for non-exempt data without a case-by-case analysis, frequently in consultation with County Counsel.

**Examples of Databases and Surveys that Request Racial/Ethnic Information:**

- Los Angeles Health Survey
- Hospital Discharge Databases (OSHDP)
- Patient Assessment Survey
- Weapons Related Injury Surveillance Database
- Adult/Adolescent Spectrum of HIV-related Diseases
- Context of HIV Infection Project
- Visual Confidential Morbidity Reporting System
- Cal-WORKs Supportive Services automated billing system
- Drug Court Management Information System (DCMIS)
- Drug Medi-Cal and General Relief automated billing systems
- Treatment Court Probation Information Exchange (TCPX) for Proposition 36
- Children's Health Initiative Community Health Coverage Contractor Data

Reporting System

- Annual Influenza Campaign Database
- Los Angeles Immunization Network (immunization registry)
- Vaccine Preventable Disease Surveillance
- Perinatal Hepatitis B Cases/Household Contacts

**Examples of Programs Focusing on Specific Populations That May Be Impacted:**

- Black Infant Health Program: focusing on reducing disproportionately high infant mortality rates among African Americans.
- Cervical Cancer Prevention & Education Initiative: Cervical cancer disproportionately affects Latinas, African American and Korean women in Los Angeles County. The goals of this program are to increase awareness and screening and to increase access to screening, follow-up, and treatment.
- Promotoras Program: a collaborative project involving DHS's Nutrition and Binational/Border Health Programs utilizing community members as community health workers to provide culturally and linguistically appropriate health promotion activities and presentations in a variety of settings focusing on achieving a healthy family lifestyle.

*Commission on Human Relations:* In most cases, the data we collect would not be exempt, and we are not currently mandated by federal law to collect any data on race, ethnicity, or national origin, so it should not be very difficult.

*Department of Mental Health:* In order for the Department to distinguish exempt data collection from non-exempt data as defined under Proposition 54, a mass training program would be implemented to ensure the Department's compliance and prevent lawsuits.

*Department of Military and Veterans Affairs:* These data are not currently collected, so employees will not be required to make this decision.

*Museum of Art:* We would analyze the law and apply it appropriately.

*Department of Public Social Services:* Although we are clear that the CalWORKs and the Refugee programs/services, federally funded, fall under the measure's exemptions, we agree with the Legislative Analyst's Office that the programmatic effects of the initiative on some programs are uncertain/unknown and would depend on future interpretation of the measure's language by courts and future actions by the Legislature. Until then, there would be much confusion.

*Sheriff's Department:* This would be done on a case by case basis with a tremendous amount of training, such as in-service briefings for patrol personnel and

staff meetings for administrative personnel. The Department would also seek legal interpretation of the Proposition if passed.

**9. Please include any cost estimates for any of the above or other departmental changes due to Prop 54, if you have them.**

*Office of Affirmative Action Compliance:* In addition to the \$1,200 estimated in the IT survey, we estimate \$700 more would be required for system modifications.

*Department of Children and Family Services:* We are unable to determine at this time.

*Community and Senior Services:* In addition to the costs of \$1,750-\$2,030 estimated in the IT survey, we estimate that training would cost anywhere from \$2,000 to \$10,000, depending on the number of users of the current computer systems and on the trainers' time.

*Department of Health Services:* Costs associated with programming, editing forms, and retraining over 1,450 staff and contractors would exceed \$1.5 million. Please note that these figures are limited to programs and clinical services in Public Health and do not include costs associated with changes required in DHS inpatient and outpatient facilities.

*Commission on Human Relations:* We would most likely incur minimal direct costs (an estimated \$2,250 to \$2,550 for revisions of our database and forms and for training), but incur more significant indirect costs due to less efficient allocation of resources.

*Department of Mental Health:* In addition to the \$235,000 to \$280,000 estimated in the IT survey for reprogramming of computer systems, modification of forms, and training, we estimate that \$265,000 would be needed for training. Also, costs for interpreting services would increase.

*Museum of Art:* \$1,200 to make changes for modifying databases and forms, and retraining which would be required by the initiative if it passed.

*Probation Department:* We estimate that costs would range from \$47,000 to \$65,000.

*Department of Public Social Services:* We are unable to estimate at this time.

*Sheriff's Department:* Costs are estimated to range from \$3,165,000 to \$4,725,000.

*The following departments did not report costs in response to this question, but did so in response to the Information Technology survey (if two numbers are cited below, the lower number reflects the costs if data on primary language **would not be** affected, whereas the higher number reflects the costs if data on primary language **would be** affected):*

Chief Administrative Office	\$3,300-\$14,200
Agricultural Commissioner/Department of Weights and Measures	\$0
Office of the Alternate Public Defender	\$2,100
Office of the Auditor-Controller	\$2,000
Office of the Assessor	\$2,200
Executive Office of the Board of Supervisors	\$0
Department of Child Support Services	negligible
Community Development Commission/Housing Authority	\$11,660
Department of the Coroner	\$16,000
Office of the County Counsel	\$0
Chief Information Office	\$0
Internal Services Department	\$900,744-\$1,545,168
Department of Military and Veterans Affairs	\$0
Department of Parks and Recreation	\$3,160
Office of the Public Defender	\$74,760
Public Library	\$3,715
Department of Public Works	\$5,860
Department of Regional Planning	\$2,000-\$4,000
Registrar-Recorder/County Clerk	\$1,750
Office of the Treasurer and Tax Collector	\$0

**10. Please include any plans you might have for recouping any anticipated costs.**

*Department of Children and Family Services:* We are unable to determine at this time.

*Community and Senior Services:* We would have to complete the cost estimate exercise above to begin plans for recouping anticipated costs.

*Commission on Human Relations:* We have no such plans at this time.

*Museum of Art:* None.

*Department of Public Social Services:* There are no plans at this time for recouping anticipated costs.

*Sheriff's Department:* We are unsure how the costs could be recouped by the Department.

**11. Please include whether or not the impact of Prop 54 would leave your department with fewer resources and lower-quality services for constituents.**

*Department of Children and Family Services:* Due to the Department's heavy reliance on federal funding, and the requirement to collect data on race/ethnicity/national origin in order to receive that funding, it is unlikely that our Department would have fewer resources. However, if we are unable to use data on race/ethnicity/national origin for resource allocation within the Department, we anticipate that there would be an inequitable allocation of resources, resulting in lower quality services for vulnerable families and children within the county.

*Community and Senior Services:* The WIA program service providers, contracted by the County, County staff, and various stakeholders, are in the process of determining the feasibility of a satellite office to serve the Asian Pacific Islander (API) communities in the Los Angeles County area known as the San Gabriel Valley. The demographic data, culled by our department relative to the different ethnic and cultural groups in the San Gabriel Valley all within the API communities, was the foundation piece of the feasibility study. Our department would have been hard pressed to provide any data regarding lower-quality/high quality services to the API communities served by our department if Prop 54 were in effect currently.

*Commission on Human Relations:* We most likely would not have the same access to resources, as we would not be able to demonstrate a need for resources in particular communities. Our resource allocation would also be less effective and efficient. In addition, we would be prevented from educating stakeholders about certain interracial or ethnic dynamics within the county. In summary, we anticipate that we would not provide the same level of services.

*Department of Mental Health:* Proposition 54 would have negative ramifications on the Department's ability to provide appropriate mental health services to our clients. The modifications required in our databases and forms, the re-training of the staff, and the provision of "generic mental health services" would leave the Department with fewer resources and lower-quality services for our consumers and our stakeholders.

*Museum of Art:* No.

*Probation Department:* We do not believe that passage of Proposition 54 would impact the Department's ability to continue to deliver quality service to the community.

*Department of Public Social Services:* The initiative would hinder the Department's ability to develop training programs for Limited English Proficient and non-English speaking participants, and in collecting and using data to understand the effectiveness of our programs for this population. The initiative prohibits utilizing information on ethnicity and race of the population we serve to most effectively



customize and deliver the social services needed by people across the County. If we could not measure how various groups of participants use our services or the actual service outcomes experienced by various participant population, it would be difficult to know how we should either modify the mix of services we provide or the manner in which we deliver those services.

*Sheriff's Department:* Yes. The Department would be unable to direct vital resources and be proactive to certain areas based on its race population. Again, the example of home invasion robberies comes to mind. If the Department started to see an increase in home invasions, they might decide to direct more patrol units to the Asian communities if race information were available.

## Appendix B

### INFORMATION TECHNOLOGY SURVEY

In an effort to obtain a clear sense of the direct costs incurred by the County if Proposition 54 were to pass, the Human Relations Commission worked with the Internal Services Department and the Chief Information Office to disseminate a survey to Telecommunication and Systems Advisory Body (TSAB) members regarding the impact Proposition 54 would have on information technology (IT) functions. Below are a copy of the survey and a summary of the results.

#### **SURVEY BEGINS HERE**

Data **EXEMPT** from Prop 54 (*meaning that it would still be legal to collect the data, even though it may not be legal to use it*) include:

- Data that are federally mandated;
- Data that are necessary to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds;
- Classification of medical research subjects and patients;
- Law enforcement officers' descriptions (while carrying out their duties) of particular persons; and
- Assignment of prisoners and undercover law enforcement officers.

#### **PLEASE CONSIDER AND FACTOR IN THE ABOVE EXEMPTIONS WHEN ARRIVING AT YOUR ESTIMATES IN YOUR SURVEY RESPONSES.**

For the actual text of the proposition, please go to

<http://www.racialprivacy.org/language.htm> or [http://www.defeat54.org/initiative\\_text.shtml](http://www.defeat54.org/initiative_text.shtml)

The data compiled from the survey responses will be part of a report that may be made available to the public, and therefore, we need your best and most accurate estimates.

**NOTE:** Once all survey responses are received and compiled, HRC may request more specific and detailed information concerning the systems, forms, hours and costs that you will be asked about in this survey. Accordingly, please retain copies of all source materials used by you in responding to the survey questions.

#### **1 COMPUTER SYSTEMS**

1a) How many computer systems maintained by your department or by a vendor contain data on race, ethnicity, or national origin (ISD will provide estimates on the computer systems they maintain for your department)?

\_\_\_\_\_ Total Computer Systems containing data on race, ethnicity or national origin

1b) Considering Prop 54's exemptions, how many of these computer systems would need to be modified if Prop 54 passed?

\_\_\_\_\_ Total Computer Systems that would need to be modified if Prop 54 passed

1c) Please provide the estimated **personnel hours** it would take to make these modifications.

\_\_\_\_\_ Hours

1d) Please provide the estimated **associated costs** to make these modifications.  
\$ \_\_\_\_\_

**2 FORMS (please complete if you have this information for all systems, even those maintained by ISD)**

2a) How many forms used in your department collect and contain data on race, ethnicity, or national origin?  
\_\_\_\_\_ Total Forms containing data on race, ethnicity or national origin

2b) Considering Prop 54's exemptions, how many of these forms would need to be modified if Prop 54 passed?  
\_\_\_\_\_ Total Forms that would need to be modified if Prop 54 passed

2c) Please provide the estimated **personnel hours** it would take to make these modifications.  
\_\_\_\_\_ Hours

2d) Please provide the estimated **associated costs** to make these modifications.  
\$ \_\_\_\_\_

**3 TRAINING (please complete if you have this information for all systems, even those maintained by ISD)**

3a) Please provide the estimated **personnel hours** it would take to train staff to adapt to these modifications.  
\_\_\_\_\_ Hours

3b) Please provide the estimated **associated costs** to train staff to adapt to these modifications.  
\$ \_\_\_\_\_

**4 PRIMARY LANGUAGE**

It is unknown at this time whether data on primary language will be considered as part of national origin, and therefore would also be prohibited. For this reason, please provide this information separately from the answers above:

**COMPUTER SYSTEMS - (Primary Language)**

4a) How many computer systems maintained by your department or by a vendor contain data on primary language?  
\_\_\_\_\_ Total Computer Systems containing data on primary language

4b) Considering Prop 54's exemptions, how many of these would need to be modified if Prop 54 passed?  
\_\_\_\_\_ Total Computer Systems containing data on primary language that would need to be modified if Prop 54 passed.

4c) Please provide the estimated **personnel hours** it would take to make these modification.  
\_\_\_\_\_ Hours

4d) Please provide the estimated **associated costs** to make these modifications  
\$ \_\_\_\_\_

**FORMS - (Primary Language)***(please complete if you have this information for all systems, even those maintained by ISD)*

4e) How many forms in your department contain data on primary language?  
\_\_\_\_\_ Total Forms containing data on primary language

4f) Considering Prop 54's exemptions, how many of these would need to be modified if Prop 54 passed?  
\_\_\_\_\_ Total Forms containing data on primary language that would need to be modified if Prop 54 passed

4g) Please provide the estimated **personnel hours** it would take to make these modifications.  
\_\_\_\_\_ Hours

4h) Please provide the estimated **associated costs** to make these modifications.  
\$ \_\_\_\_\_

**TRAINING - (Primary Language)** *(please complete if you have this information for all systems, even those maintained by ISD)*

4i) Please provide the estimated **personnel hours** it would take to train staff to adapt to these modifications.  
\_\_\_\_\_ Hours

4j) Please provide the estimated **associated costs** to train staff to adapt to these modifications.  
\$ \_\_\_\_\_

Number of Departments Responding      27

## IT SURVEY RESULTS

<b>Total Systems</b>	<b>1,106</b>	
	Total Systems Requiring Modification	1,034
	Total Hours to Modify Systems	15,221
	Total Cost to Modify Systems	<b>\$1,270,489</b>
<b>Total Forms</b>	<b>117</b>	
	Total Forms Requiring Modification	59
	Total Hours to Modify Forms	2,135
	Total Cost to Modify Forms	<b>\$160,920</b>
<b>Total Training Hours</b>	<b>60,309</b>	
	Total Training Costs	<b>\$3,050,040</b>
<b>Total Systems (Primary Language)</b>	<b>478</b>	
	Total Systems Requiring Modification	460
	Total Hours to Modify Systems	8,422
	Total Cost to Modify Systems	<b>\$761,884</b>
<b>Total Forms (Primary Language)</b>	<b>54</b>	
	Total Forms Requiring Modification	36
	Total Hours to Modify Forms	280
	Total Cost to Modify Forms	<b>\$16,210</b>
<b>Total Training Hours (Primary Language)</b>	<b>30,135</b>	
	Total Training Costs	<b>\$1,507,810</b>
<b>Total Costs (not including changes of primary language data)</b>	<b>\$4,481,449</b>	
<b>Costs of changes of primary language data</b>	<b>\$2,285,904</b>	
<b>Total Costs (including primary language data)</b>	<b>\$6,767,353</b>	